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**NASA
Policy
Directive**

NPD 2210.1B
Effective Date: December 26, 2001
Expiration Date: December 26, 2011

COMPLIANCE IS MANDATORY

Printable Format (PDF)

Request Notification of Change (NASA Only)

Subject: External Release of NASA Software (Revalidated 3/29/04)

Responsible Office: Exploration Systems Mission Directorate

1. Policy

It is NASA`s policy to accomplish the following:

a. Establish uniform procedures and requirements concerning release of software created by or for NASA.

b. Treat software created by or for NASA as valuable technology to be reported and administered as any other invention, discovery, improvement, or innovation.

c. Manage software as a strategic asset, utilizing and releasing it in a way that will maximize its benefit to NASA, the U.S. public, and the U.S. economy.

d. Inventory NASA-funded software and assert intellectual property rights to such software where deemed appropriate in order to facilitate its transfer for commercial, industrial, educational, and governmental purposes.

2. Applicability

a. This NPD is applicable to NASA Headquarters and Centers, including Component Facilities (hereafter referred to as "Centers").

b. This NPD is applicable to the protection and release of all unclassified software:

(1) Created exclusively by, or jointly with, NASA employees as part of the official duties of the NASA employees;

(2) Created by a non-federal party where intellectual property rights to the software have been assigned to the U.S. Government, or have been licensed to the Government where the license authorizes the Government to grant sublicenses; or,

(3) In the lawful possession of NASA, except as otherwise stated in subparagraphs 2.c through 2.i.

c. This NPD applies to new software, or any preexisting software that may have significant commercial value or utility to potential private or public sector users or applications outside of NASA.

d. Reserved.

e. Reserved.

f. This NPD does not apply to computer databases or web pages with integrated databases, data input to, or output from a computer program (such as data models), software documentation, web pages, or commercial software as these terms are defined in reference 4.b.

g. This NPD is applicable to JPL to the extent specified in its contract.

h. In general, software is not considered a record under the Freedom of Information Act (FOIA), and therefore is not subject to the mandatory release requirements of the FOIA. Requests should be coordinated between the Center FOIA Office and the Center Software Release Authority (SRA).

3. Authority

a. National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2451et seq.).

b. 15 CFR 730-774 and 22 C.F.R. 120-130.

c. 35 U.S.C. 205.

4. Reference

a. NPD 1440.6, NASA Records Management.

b. NPR 1441.1, NASA Records Retention Schedules.

c. NPD 2810.1, Security of Information Technology.

d. NPR 2810.1, Security of Information Technology.

e. NPD 2820.1, NASA Software Policies.

f. NPR 2820.1, NASA Software Guidelines and Requirements.

g. Reserved.

h. NPD 2110.1, Foreign Access to NASA Technology Transfer Materials.

i. NPR 2190.1, NASA Export Control Program (NASA/ECP).

j. NPD 7120.4, Program/Project Management.

k. NPR 7120.5, Program and Project Management Processes and Requirements.

l. NPD 7500.2, NASA Technology Commercialization Policy.

m. NPR 7500.1, NASA Technology Commercialization Process.

5. Responsibility

a. The Innovative Technology Transfer Partnerships Division at Headquarters is responsible for overall management of this policy.

b. The Center Patent or Intellectual Property Counsel (or the Manager, Technology Transfer Office, or designee, at Centers without Patent or Intellectual Property Counsel) is responsible for performing an Intellectual Property Assessment of software deemed within the scope and purpose of the NPD.

c. The Manager, Center Technology Transfer Office, or designee, is responsible for coordinating a Technology Transfer Assessment of software deemed within the scope and purpose of the NPD.

d. The Center Export Administrator is responsible for coordinating a determination of export requirements when a foreign release is contemplated, and for ensuring that public release of software, release of software to a foreign entity within the United States, or release of software to any entity abroad complies with applicable export control laws and the NASA Export Control Program. The Center Export Administrator shall consult with the Center Counter-Intelligence official and, as warranted, with the Center Inspector General's Office when considering the release command and control software for flight operations.

e. The Center Information Technology Security Manager is responsible for identifying security risks inherent in the external release of software considered within the scope and purpose of NPD 2210.1, providing guidance for the security assessment of such software, and coordinating security assessments, as warranted, with the Center Software Release Authority and the cognizant software development and assurance organizations.

f. The Center Director, or designee, is responsible for appointing an individual as the Center Software Release Authority. The Center Software Release Authority is responsible for determining the applicability of this NPD to software that may be outside the NPD`s purpose and scope and for ensuring that all external releases of applicable software created by or for the Center is accomplished in accordance with this NPD and associated guidance.

g. The NASA Inspector General, or designee, is responsible for appointing an individual or group of individuals as the Software Release Authority for the purpose of determining the release of forensic software developed by the Office of Inspector General for law enforcement purposes. The Software Release Authority appointed for this purpose shall comply with the requirements of this NPD and NPR 2210.

h. The performance measures will be reported on a semiannual (by fiscal year) basis by the Center Software Releasing Authority to the Director, Innovative Technology Transfer Partnerships Division, at NASA Headquarters.

6. Delegation of Authority

None.

7. Measurements

The following performance measurements will be collected and maintained by the Software Release Authority:

(1) Reserved.

(2) Reserved.

(3) Reserved.

(4) Agreements and partnerships involving software technology transfer and commercialization activities.

(5) Software released with export restrictions.

8. Cancellation

NPD 2210.1A, External Release of NASA Software, December 26, 2001.

Revalidated

March 29, 2004

/s/ Sean O'Keefe
Administrator

Attachment A: (Text)

None.

(URL for Graphic)

DISTRIBUTION:
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